REMARKS

Claims 9-17, which have been added in this Amendment, are pending in this application.

Claims 1, 2, 5 and 6 have been cancelled in this Amendment.

(1) Claims 1 and 5 were rejected under 35 USC §102(b) as being anticipated by Harrison (U.

S. Patent No. 3,067,328) or Hayata et al (Japanese Patent No. 1-202241).

(i) Harrison (U. S. Patent No. 3,067,328)

Contrary to the examiner's statement that claims 1 and 5 are anticipated by Harrison, the

invention of Harrison is to provide an accurate and simple method of determining the freshness of

shrimp and how long it is safe to keep them and when they must be discarded (col.1, lines 11-14).

The method of Harrison separates deteriorated crustaceans from undeteriorated crustaceans which

comprises removing the shells of fresh crustaceans (claims of Harrison). There is no disclosure as

to a method of detecting and removing a shell residue left in a shellfish flesh portion. So, the

rejection under U.S.C.102(b) is not supported by Harrison. Reconsideration of the rejection is

respectfully requested.

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(ii) Hayata et al '241(Japanese Patent No. 1-202241)

Claims 9 and 15 recite "wherein the light emits a fluorescent light more than the shell residue than from the shellfish flesh portion." The basis of the amendment is found at page, 4, lines 3-6.

The invention of Hayata et al. '241 uses an X-ray irradiator, measuring intensity and wave form of an absorption part and absorption width of an absorption signal in an X-ray irradiator. Hayata et al. do not disclose a light emitting a fluorescent light more from the shell residue than from the shellfish flesh portion. Therefore, claims 9 and 15 makes the present invention distinct from Hayata et al. Reconsideration of the rejection is respectfully requested.

Regarding claims 10 and 16, there is a recitation of a CCD camera. Usually, an X-ray, as disclosed by Hayata et al., cannot be taken by a CCD camera. The recitations in claims 10 and 16 make the present invention distinct from Hayata et al. Reconsideration of the rejection is respectfully requested.

(2) Claims 1 and 5 were rejected under 35 USC §103(a) as being unpatentable over Hayata et al (Japanese Patent No. 1-105144) in view of Harrison (U.S. Patent No. 3,067,328).

Regarding the rejection, the invention of Hayata et al. uses an X-ray. Also, the invention

of Harrison is completely different from the present invention, as described above. Even if

combining Hayata et al. with Harisson, the present invention is not obtained. Reconsideration of

the rejection is respectfully requested.

(3) Claims 2 and 6 were rejected under 35 USC §103(a) as being unpatentable over Hayata et

al '241 in view of Tessier et al (U.S. Patent No. 5,902,177). Claim 2 and 6 were rejected under 35

USC §103(a) as being unpatentable over Hayata et al '144 in view of Harrison (U.S. Patent No.

3,067,328) and Tessier et al (U.S. Patent No. 5,902,177).

The invention of Hayata et al. '144 also uses an X-ray.

As explained above, the present invention is distinct from Hayate et al., and also, even if

combining the Hayata et al. with the others, the present invention cannot be obtained.

Reconsideration of the rejections is respectfully requested.

In view of the aforementioned amendments and accompanying remarks, Applicants submit

that claims 9-17, as herein amended, are in condition for allowance. Applicants request such

action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the

Examiner is requested to contact Applicants' agent at the telephone number indicated below to

arrange for an interview to expedite the disposition of this case. The limited recognition of the

agent is attached.

In the event that this paper is not timely filed, Applicants respectfully petition for an

appropriate extension of time. The fees for such an extension or any other fees that may be due

with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

Patent Agent

Limited Recognition

Attachment: Limited Recognition

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Expires: July 8, 2004

Harry I. Mostz

Director of Enrollment and Discipline